MUST NEWS

Montana Underground Storage Tank Program Newsletter Winter 2002

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E-mail the department at ustprogram@state.mt.us. For more details, see the back page.

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ESS Update:

Compliance Inspection Rules are Changing

Compliance Timeline

January 1, 2002
All compliance inspections must be performed

~~April 1, 2002~~
Former deadline for obtaining an Operating Permit

September 1, 2002
Deadline to submit Compliance Plan

September 30, 2002
New deadline by which all facilities must have either an Operating Permit or be under a Compliance Plan

March 1, 2003
Complete actions for Compliance Plans

April 1, 2003
All facilities must have an Operating Permit

Some very important changes are being made to the Operating Permit regulations. In general, the new rules will allow tank owners more time to correct violations discovered by a compliance inspection.

Currently, all owners and operators are required to have an Operating Permit by April 1, 2002. It appeared that many facilities would not be able to meet that deadline so the department proposed three separate rule-making packages.

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Cleaning up Small Spills and Overfills

It's inevitable that small spills and overfills will occur at your fueling facilities. Customers might overfill vehicles, knock over gas cans, or your own serviceman may spill small amounts of fuel when repairing or adjusting your dispensers.

You went through all that disruption and expense to upgrade your facility to meet 1998 standards and have now had a compliance inspection to show that you are preventing leaks, but you still don't have much control over the human element. You can take steps to minimize these spills, protect the environment, and limit your liability.

In addition to the fire safety issues connected to spilled fuel, you should be aware of the environmental risks. We have observed many sites with significant

contamination and costly cleanups, where the USTs were in very good condition. Some of these releases stemmed from years of small spills eventually adding up to a big problem.

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State of Inspections (Continued from Page 1)

The first round of rule-making is complete. The most significant change was to provide for a Compliance Plan to give facilities more time to come into compliance. If a facility cannot achieve compliance by March 31, 2002 (soon to be September 30, 2002 – see below), owners must file a Compliance Plan with the department in which they will agree to complete corrective action by no later than March 1, 2003. The Compliance Plan may also require owners or their managers to attend a department-sponsored training session.

If an inspection report indicates deficiencies, the department will send a Compliance Plan to the owner to complete and return. When the owner signs and returns the Compliance Plan, the department will issue a Provisional Operating Permit allowing the facility to receive and dispense fuel until April 1, 2003. After that date, all owners and operators must have an Operating Permit.

The rule also includes:

- Clarification that a Compliance Inspection only seeks to assess compliance with requirements for spill containment and overfill prevention, corrosion protection, release detection and recordkeeping related to those categories.
- A provision exempting certain USTs from inspection requirements if they are not subject to the above-mentioned rules.
- A provision authorizing the use of an Operating Tag (similar to the compliance tag now required on your fill pipe). It will inform your fuel distributor that the UST system to which it is attached is in compliance and may be filled.
- A provision allowing a $500 administrative penalty to be assessed to owners who failed to obtain a compliance inspection by January 1, 2002.
- For this first cycle of inspections only, a provision allowing owners and operators to correct a violation involving a missed deadline (i.e. annual line tightness test or three-year corrosion protection system test) by performing a subsequent test or other required action as defined by a Compliance Plan.

The second round of rulemaking is in process. It changes the deadline by which a facility must have either an Operating Permit or a Compliance Plan from March 31, 2002 to September 30, 2002. However, owners must file Compliance Plans by September 1, 2002 to give the department time to process the plan and issue provisional operating tags.

Also in process is a third round of rulemaking to allow department-initiated variances in instances where it identifies large numbers of noncompliant facilities as a result of compliance inspections. Such a variance could only be issued when immediate compliance is impractical and the cost of immediate compliance is disproportionate to the benefits. The variance would postpone compliance until the earliest practical time as identified in department findings. It is anticipated that most department-initiated variances would be issued for a term of five years or less. If adopted, the rule would, for example, allow a variance from regulations that require corrosion protection on risers and vent piping.

What's Next?
The department will soon be sending owners and operators a Compliance Plan that will identify all inspection report violations and how each can be corrected. If the rules described above are adopted as proposed, owners will have until September 30, 2002, to correct any violations. If they cannot correct (or are unsure if they can correct) the violations by September 1, 2002, they should sign and return the Compliance Plan to the department as soon as possible.

If owners correct the violations before September 1, 2002, the department will issue an Operating Permit. If they file the Compliance Plan by September 1, 2002, owners will have until March 1, 2003, to correct the violations. All owners and operators must have an Operating Permit by April 1, 2003. Without an Operating Permit facilities will be unable to receive or dispense fuel.

These changes to the Operating Permit process are significant and the department anticipates many questions. The department will be providing additional information as it develops. Please bear with these changes as the department fulfills the Legislature's demand that all facilities be inspected and obtain an Operating Permit.

Copies of the rules discussed above can be found on the DEQ website at www.deq.state.mt.us/dir/legal/index.asp.
Information regarding the UST program is also available on the DEQ website at www.deq.state.mt.us/Rem/tsb/ess/ess.asp
If you prefer to send us questions via email you can address them to ustprogram@state.mt.us. Because of the enormous workload generated by the compliance inspection process, responses to your questions may be delayed.

Reinspection Reports

So the compliance inspector found some problems with your UST system. What's next?

Owners should correct any deficiencies noted by your compliance inspector as soon as possible, but definitely before October 1, 2002. If you have to modify the UST system, obtain a permit from the Department and hire a licensed UST installer to do the work. Once you fix the problem, the owner's job is not done.

The owner must contact a compliance inspector to reinspect the facility and confirm that all deficiencies are corrected. The compliance inspector will present you with a reinspection report that indicates that previous deficiencies are corrected. The reinspection report must be sent to DEQ to confirm compliance. Once the UST facility is in full operational compliance, the Department will issue an Operating Permit.

If a deficiency won't be corrected and reinspected by September 1, 2002, file a Compliance Plan.

While correcting deficiencies, be sure to pay attention to the deadlines on your Compliance Plan.

Compliance Plans – When do I file?

Did your compliance inspector discover some deficiencies that you cannot fix by the compliance deadline? Trying to get 12 months of leak detection records between December 2001 and April 2002* is going to be impossible.

Only for the first round of inspections, the Department is allowing owners and operators who cannot fix all deficiencies by September 1, 2002, to file a Compliance Plan that will give owners additional time to come into compliance. The Compliance Plans will be sent to all facilities with deficiencies prior to the compliance date. If you file the Compliance Plan with the Department, you will have until March 1, 2002 to submit a reinspection report showing that the facility is in compliance.

If you can't correct all the deficiencies by the September 2002…

- Submit the Compliance Plan to DEQ.
- Correct all deficiencies listed on the Compliance Plan.
- Have a compliance inspector conduct a reinspection of your facility and file a reinspection report indicating that all deficiencies are corrected prior to the March 1, 2003 deadline.

Approximately half of all facilities will be sent a Compliance Plan, so don't wait until the last minute to correct problems and try to schedule a reinspection.

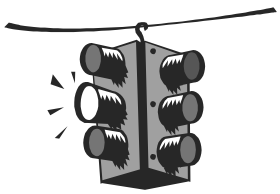
*See the rule change article on page 1 for deadline changes.

Inspection CAUTION

Montana law requires that all UST systems have a compliance inspection every three years. The first cycle of compliance inspections had to be filed by January 1, 2002. The department has written some new rules to help facilities through this *first cycle* of inspections only. **In the next inspection cycle, violations involving deadlines will be enforced.**

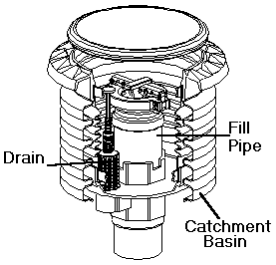
For the next compliance inspection, you will want to ensure the following:

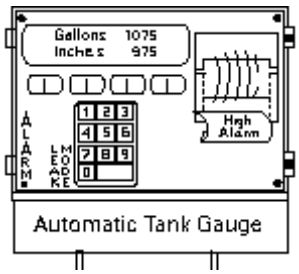
- The results of the last <u>two</u> CP tests are available;
- CP tests are performed every three years;
- Line and tank tightness test deadlines are not missed;
- Functionality tests on leak detection equipment are conducted annually or as recommended by manufacturer's instructions;
- Records of 60-day rectifier examinations are kept current; and
- All other recordkeeping is in order.

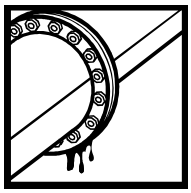


Manufacturer Specifications found in Manuals

Are your component manuals the latest editions?







Having the manuals for the tank, piping, automatic tank gauges (ATGs,) interstitial monitoring consoles, line leak detectors, sump sensors, etc. doesn't just clutter the shelves. These manuals contain manufacturer specifications and valuable information that could save you time and money.

A lot of the UST component manuals have troubleshooting information and maintenance requirements. The troubleshooting information can save you a service call or link you directly to a manufacturer help line. The maintenance requirements must be followed and documented to ensure that components are working properly. If the manual seems confusing, call the manufacturer or service personnel to help answer questions.

Manuals for UST components are updated periodically. Make sure you have the most recent manual for your UST components. Contact manufacturer or service personnel if you need an updated manual. Some recent manuals are also available online. Visit the manufacturer's website to get the latest information on UST components and new technology.

Small Spills & Overfills (Continued from Page 1)

Here are some things you can do to minimize environmental impacts from small spills.

1. First, learn the rules. The Administrative Rules of Montana (17.56.505) state that owners and operators must contain and clean up all spills and overfills. The rule further states that you must immediately report
   - all spills over 25 gallons,
   - spills less than 25 gallons that cannot be cleaned up in 24 hours, and
   - spills that cause a sheen on nearby surface water. Even very small spills that cause a sheen on surface water or soak into the ground and are not cleaned up must be reported.
2. Construct your facility to contain spills before they enter the environment. Concrete parking pads near dispensers keep spills from soaking into the ground. The larger these pads are, the better. If you have a storm drain near your dispenser, you can build a low dike around it so small spills are stopped long enough for you to clean them up before they flow into the drain. You can also construct your dispensers with liquid-tight sumps beneath them (that means no holes drilled in them for wiring).
3. Have materials to clean up spills available and train your employees to be proactive in containing spills. If you can catch a spill while it is still on the concrete you will save yourself a lot of work down the road. Train your employees on your spill plans at the same time you train them on the proper use of fire extinguishers.
4. Clean up spills on soil immediately. Many soils act like sponges — the longer fuel sits in soil, the further it soaks in and spreads. The quicker you dig out the contaminated soil the less soil you will have to dig out. Keep a shovel nearby and accessible to dig out small spills in dirt or gravel. Place any contaminated soil in a liquid-tight container or on an impermeable surface such as plastic sheeting. Consult a solid waste expert about proper disposal of contaminated soils.
5. Ensure people servicing your pumps and dispensers do not spill fuel into the ground. Many routine repairs involve disconnecting pipes or removing strainers. If your turbines and dispensers are not equipped with sumps, these repairs all have the potential to spill fuel directly into the environment. Ask you servicemen to take extra care to keep fuel from reaching the ground.

Prevention is the best solution, but if you do have a small spill, clean it up right away and review the rules.

Recordkeeping for USTs –Important for Compliance Inspections

Minimum Required Time to Keep Records

Release Detection

✓ Sampling, testing or monitoring results	1 year*
✓ Performance claims of leak detection - the Department relies on the list complied by the National Work Group on Leak Detection Equipment (NWGLDE) at http://www.nwglde.org/.	Life of the tank & piping
✓ Documentation of calibration, maintenance, and repairs of release detection equipment	1 year*
✓ Schedules of manufacturer-required calibration and maintenance of release detection equipment	Life of the tank & piping
✓ Tank or line tightness testing results *ARM 17.56.409***	Until next test*

Corrosion Protection

✓ Documentation of compliance with operation of corrosion protection systems	Life of the tank & piping
✓ CP testing within 6 months of installation and every 3 years thereafter	Last 2 tests*
✓ 60-day rectifier checks for impressed current systems *ARM 17.56.302***	Last 3 checks*

Repairs

✓ Documentation of UST system repairs *ARM 17.56.304***	Life of the tank & piping

Closure

✓ Copies of closure documentation and results of site assessment performed at closure *ARM 17.56.705***	3 years*

* DEQ recommends all records be kept for the entire life of the UST system

** Reference to the specific recordkeeping requirement in the Administrative Rules of Montana. For a copy of the rules, please go to the following website http://www.deq.state.mt.us/rem/tsb/ess/ess.asp or call (406) 444-1420.

Availability of Records

ARM 17.56.305

Facility owners and operators are required to keep all UST records…

at the UST site and immediately available for inspection,

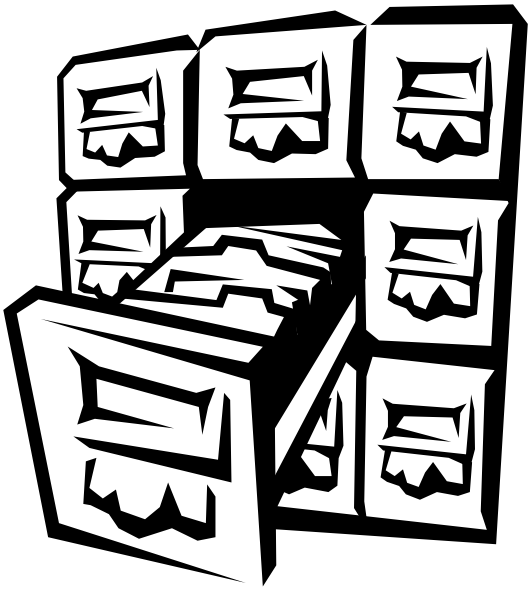
Keeping the records on site will help the inspector to fill out all the forms on the first try and might speed the inspection along.

OR

at a readily available alternative site where the records may be inspected.

If you are keeping records away from the UST site, make sure that all operators and managers know where the UST records can be found. The contact name, phone number and address of record location need to be available during the inspection.

No matter where the records are located, they must be made available to inspectors upon request.



Montana Department of Environmental Quality

The spring refresher courses are being refreshed!

New Format for Installer/Remover Refresher

Montana underground storage tank rules require all installers, removers, and inspectors to take a comprehensive refresher course for license renewal. This spring the refresher courses are being modified. The focus of the classes will be the same, but the format will be new.

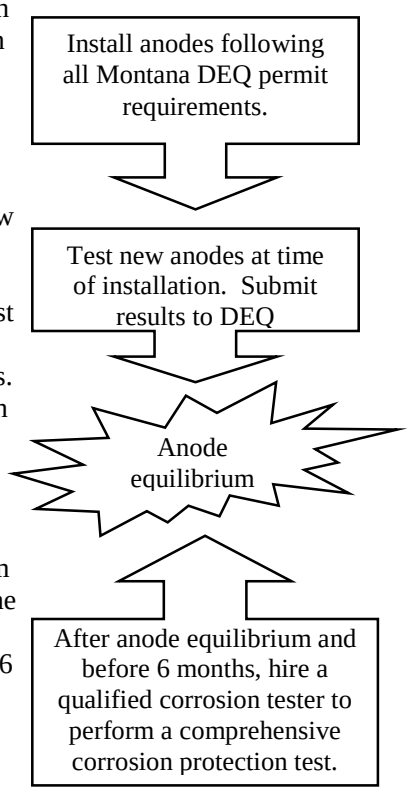
The Installer/Remover refresher and the Remover Only refresher courses will involve more interactive classes with a focus on the new technology and meeting DEQ rule requirements. Please come prepared to interact with fellow installers, removers, and department personnel. For the first time, the department will also offer an eight-hour refresher course for licensed compliance inspectors. The course will cover input concerning the first round of inspections, reinspection reports, and will also be more interactive than the initial inspection course.

Cathodic Protection Installations

The department has experienced a surge of permit applications to install anodes on existing metal components. Anode installations need to be designed by a corrosion expert and tested at installation. The installation test results must be sent to DEQ with the permit documentation within 30 days.

Testing cathodic protection at installation does not catch any changes that could occur while the anode is reacting with its new environment. Therefore, any changes to a CP system must undergo a comprehensive CP test after reaching steady-state equilibrium and before 6 months. The time an anode takes to reach equilibrium varies. Equilibrium depends mostly on the location, amount of water in the backfill, and soil resistivity. Have a certified corrosion tester perform a comprehensive CP test once the new cathodic protection has reached equilibrium, but before 6 months after the installation.

The Administrative Rules of Montana require that the owner keep the last two comprehensive CP tests on file. DEQ recommends that all CP test records be saved for the life of the UST system.



Upcoming Training & Testing

April 16th, 2002
Phoenix Bldg, Helena
Installer/Remover 8 hr Continuing Credits & Remover only 4hr Continuing Credits

Class for licensed installer/removers and removers to obtain continuing education credits. Those interested in becoming licensed installer/removers are also encouraged to attend. To sign up or for more information call (406) 444-1420.

April 17th, 2002
Phoenix Bldg, Helena
Compliance Inspector Continuing Credits

NEW

Full-day class for licensed compliance inspectors to obtain continuing education credits. To sign up or for more information call (406) 444-1420.

April 23rd – 26th, 2002
Phoenix Bldg, Helena
Inspector Class & Field Testing

Required course & testing to become a licensed compliance inspector. Those interested in becoming licensed inspectors need to apply with the department prior to the class. To sign up or for more information call (406) 444-1420.

When can I fill & dispense from my new UST?

The department would like to clarify the process for bringing new underground storage tank systems on-line.

How can the installer test a new UST system?

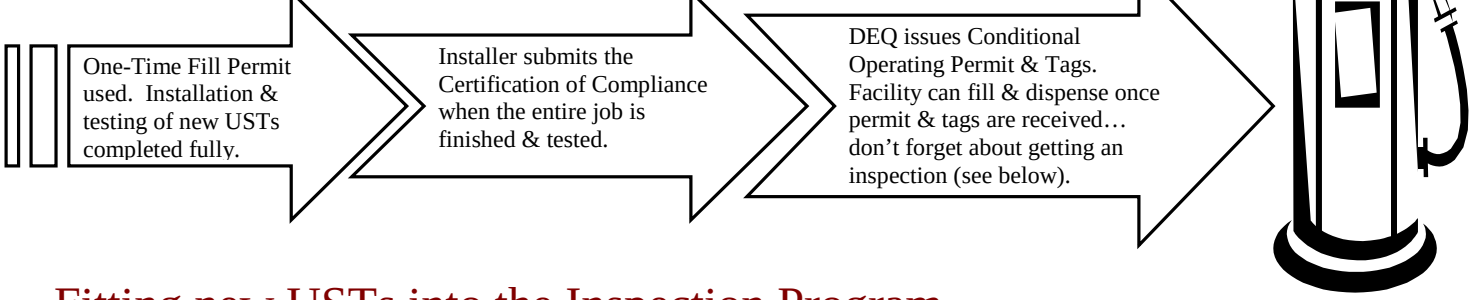
As of January 1, 2002, all new installation permits have a one-time fill permit included in the installation documentation. The one-time fill permit can be used by the UST installer or owner to fill the tank for testing purposes. This one-time fill does not allow product to be dispensed from the tank. The one-time fill permit will need to be filled out and returned to DEQ within 10 days of the fill.

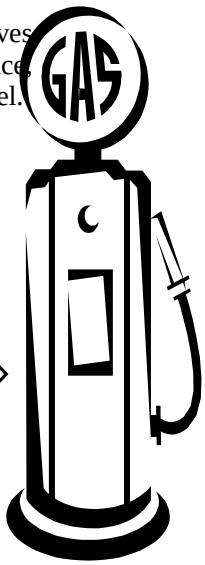
When can a UST facility start filling and dispensing from new underground storage tanks?

Once the UST installer has finished the installation and testing, the Certification of Compliance must be submitted to the department immediately. The Certification of Compliance describes each UST's corrosion protection, release detection, spill protection, and overfill device. Once DEQ gets the Certification of Compliance, tags can be issued to the facility which allow the filling and dispensing of product from the UST.

Since getting tags is a priority for new UST facilities, DEQ will accept a faxed copy of the Certification of Compliance. Once DEQ receives the Certification of Compliance, the owner will be sent a Conditional Operating Permit and Conditional Operating Tags. If a facility would like to dispense product right away, please request that the Conditional Operating Permit be faxed to the owner. Once a copy of the Conditional Operating Permit is visibly posted, the facility can fill and dispense from the underground storage tanks.

The more quickly DEQ receives the Certification of Compliance, the sooner owners can sell fuel.





Fitting new USTs into the Inspection Program

A licensed compliance inspector must inspect new underground storage tank systems 30 to 60 days after DEQ issues a Conditional Operating Permit. The inspection will review the existing few months of records and the UST system itself.

For new installs, DEQ will issue a Conditional Operating Permit for the time between the completed installation and the review of an inspection report confirming that the facility can be sent an Operating Permit. The Conditional Operating Permit expires 90 days after it is issued, so let your compliance inspector know that you have a deadline.

The initial inspection of new USTs will help owners and operators start off on the right foot for both recordkeeping and maintenance.

If you have installed or intend to install a new UST after November 1, 2001, contact the department with any questions.

Department of Environmental Quality

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We're on the Web!

See us at:

http://www.deq.state.mt.us/rem/tsb/ess/ess.asp

A full-year of Leak Detection Records by March 1, 2003

Make certain that you are keeping monthly release detection records. If you do not have 12 consecutive months of records by March 1, 2003, you will not be able to receive or dispense fuel until you do.

The Compliance Plans will clarify that 12 months of leak detection records are required prior to the department issuing an Operating Permit. However, it will take the department several months to produce all of the Compliance Plans.

Make sure you are keeping all records now. By the time you get a Compliance Plan, it may be too late to collect 12 months of leak detection records before March 2003.

Inventory Control Expired?

Compliance inspections discovered a few UST facilities using inventory control after the 10-year mark. Inventory control is not a monthly leak detection method and can only be used for 10-years after a new installation or a corrosion protection upgrade on a tank. Most UST facilities in Montana were installed or upgraded prior to 1998; therefore, most facilities will have to be aware of upcoming expiration dates.

For example, one facility was in compliance with DEQ regulations, except the facility's inventory control had expired. The tank had been installed new in November 1990 and couldn't use inventory control for tank leak detection after November 2000. This facility needed to start using another form of leak detection immediately and still needs to acquire 12 months of valid leak detection records before getting an Operating Permit.

E-mail the UST Program

The department is moving into the information age. In order to provide information quickly, the UST program is setting up an e-mail distribution list. Not only will DEQ be able to dispense information via e-mail, but owners can e-mail questions to DEQ.

To be part of the list or to have any questions answered, please e-mail your information to ustprogram@state.mt.us.